



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

In re Application of: Marvin L. Vestal
Application No.: 10/023,203
Filed: December 17, 2001
For: A Tandem Time-of-Flight Mass Spectrometer with Delayed Extraction and method for Use

The owner, PerSeptive Biosystems, Inc. of the entire right title and interest in the above-identified application (Application No. 10/023,203) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,348,688. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to Application No. 10/023,203, shall be the same as legal title to Patent No. 6,348,688. This agreement to run with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No. 6,348,688, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Andrew T. Karnakis
Signature

OCT. 15, 2003
Date

Andrew T. Karnakis, Chief Patent Counsel
Typed or printed name

- ☒ The terminal disclaimer fee under 37 CFR § 1.20(d) is enclosed.
- ☒ Certificate under 37 C.F.R. § 3.73(b) is enclosed.



PATENT APPLICATION
Docket No. 302705.3001-105
(Prior Docket No.: SYP-137CPC1)

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Marvin L. Vestal

Application No.: 10/023,203

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For: A Tandem Time-of-Flight for Mass Spectrometer with Delayed Extraction and Methods of Use

PerSeptive Biosystems, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is:

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above.
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above. A separate Certificate under 37 CFR § 3.73(b) is attached.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010084, Frames 0028-0031, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.
2. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.
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The document was recorded in the Patent and Trademark Office at
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☐ Additional documents in the chain of title are attached.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Andrew T. Karnakis

Name: Andrew T. Karnakis

Title: Chief Patent Counsel

Signature: JAN. 6, 2003